

REMARKS

Claims 1-16 are pending in the application. Claims 1-3, 5-7, and 11 have been amended, claims 14-15 have been cancelled, and claims 17-24 have been added, leaving claims 1-13 and 16-24 for consideration upon entry of the present Amendment. Applicant requests reconsideration in view of the amendment and remarks submitted herewith. As will be discussed in detail below, it is believed that the application is in condition for allowance.

Applicant's attorney would like to thank the Examiner for discussing this application and for further explaining what he meant by the intended use limitations. Applicant's Attorney has received the Examiner's Interview Summary and agrees that the summary captures the substance of the discussion. Applicant has revised claim 1 to set forth the limitations in structural format.

In addition, the Examiner also set forth his concerns regarding Figure 8 and claims 14-15. During the interview, the Examiner stated that he believed that Figure 8 may be directed to a species distinct from that shown in Figures 1-3. Applicant understands the Examiner's concern and has added independent claim 18 to address that concern. That claim has the limitation "means for guiding the moveable mold carrier and the support element during the movement of the moveable mold carrier and the support element." This limitation encompasses both the means for guiding set forth in Figures 1-3 and Figure 8. Accordingly, claim 18 is generic and encompasses all of the embodiments disclosed in the application. Applicant respectfully requests that the Examiner not restrict the claims.

Claims 4 and 5 have been objected to by the Examiner. Claims 14 and 15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. These objections and rejections are moot in view of Applicant's amendments. Accordingly, Applicant respectfully requests that the Examiner withdraw these objections and rejections.

Claims 1-3, 11, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Snider et al. (US 3,669,599) ("Snider"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single

REP-0010  
09/06/03 615

prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the \* \* \* claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1-3, 11, and 12 include the following limitation: "means for moving the support element independently from the movable mold carrier." Snider does not teach or suggest that limitation. At most, Snider teaches that when the movable mold carrier is moved, the support element moves at the same time. See Figures 14 and 16. Accordingly, Snider does not anticipate claims 1-3, 11, and 12. Applicant respectfully requests that the Examiner withdraw the rejection.

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Grundmann (US 3,890,081). The Examiner notes that Grundmann has a two-part linear drive 47, 50 extending between the movable mold carrier 18 and the support element.

Claims 1-3 include the following limitation: "a drive adapted to move the moveable mold carrier and the support element." This limitation requires that the same drive that moves the mold carrier also moves the support element. Grundmann does not teach or suggest that limitation. Grundmann teaches that the drive only operates the injection mechanism. The drive in Grundmann is not adapted to move the support element. Instead, the mold height adjustment is made by initially backing the clamp housing 22 away from the moveable platen by driving chain 45.

Accordingly, Grundmann does not anticipate claims 1-3. Applicant respectfully requests that the Examiner withdraw the rejection.

Claims 4, 6-10, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Snider. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

As explained above, Snider does not teach or suggest all of the limitations of claim 1. Claims 4, 6-10, and 13 include all of the limitations of claim 1. Thus, for the reasons stated above, claims 4, 6-10, and 13 are patentable over Snider. Applicant respectfully requests that the Examiner withdraw the rejection.

In addition, claims 17-23 have been added. These claims include similar limitations as described in claim 1. Thus, for the reasons explained above, claims 17-23 also allowable claims.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: 

Lisa A. Bongiovi  
Registration No. 48,933  
CANTOR COLBURN LLP  
55 Griffin Road South  
Bloomfield, CT 06002  
Telephone (860) 286-2929  
Facsimile (860) 286-0115  
Customer No. 23413

May 23, 2003

REF-0010  
09/668,615